

**Security Council**

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**Letter dated 31 March 2006 from the Permanent Representative
of the Netherlands to the United Nations addressed to the
President of the Security Council**

The Government of the Netherlands has received a letter from the President of the Special Court for Sierra Leone in which the Court seeks the consent of the Government of the Netherlands to hold the trial of Charles Taylor in the Netherlands and to facilitate the conduct of the trial (see annex I).

It is my honour to inform you in your capacity as President of the Security Council that the Government of the Netherlands has informed the Special Court for Sierra Leone that it is willing to host the Special Court for the trial of Charles Taylor, provided that a few conditions are met. These conditions are outlined in a letter from the Government of the Netherlands to the Special Court for Sierra Leone dated 29 March 2006 (see annex II). I would be grateful if you could arrange for the present letter and its annexes to be circulated as a document of the Security Council.

(Signed) Frank **Majoer**
Ambassador
Permanent Representative



Annex I to the letter dated 31 March 2006 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

It has become apparent to me that security and issues related to the stability in the region would make it impossible for Charles Taylor, the accused in case No. SCSL-2003-01, to be tried in Freetown by the Special Court for Sierra Leone ("Special Court").

Pursuant to rule 4 of the Rules of Procedure and Evidence of the Special Court, I am empowered to authorize a Trial Chamber to exercise its functions away from the seat of the Special Court. It is my intention to exercise this power to authorize the trial of Charles Taylor to be held at a venue outside of Sierra Leone.

The cost of establishing a courtroom facility of the requisite standard in order to conduct a single trial would undoubtedly be prohibitive. I have therefore requested the Registrar of the Special Court to ascertain whether any existing international criminal court with such facilities might be in a position to make some of those facilities available to the Special Court for a limited period, on a cost-recovery basis, and in particular, whether the International Criminal Court would be in a position to assist the Special Court in this respect.

It would be necessary for the Government of the Netherlands to give its consent for any such trial to be held in the territory of the Netherlands if appropriate facilities can be made available there for use by the Special Court, and I am now writing to you to seek this consent. We would request that the Government of the Netherlands facilitate the conduct of the trial of Charles Taylor in the Netherlands, in particular by:

- (a) Allowing the detention and the trial in the Netherlands of Charles Taylor by the Special Court;
- (b) Facilitating the transport upon request of the Special Court of Charles Taylor within the Netherlands outside the areas under the authority of the Special Court;
- (c) Enabling the appearance of witnesses, experts and other persons required to be at the Special Court under the same conditions and according to the same procedures as applicable to the International Tribunal for the Former Yugoslavia.

I would emphasize that our request to the Netherlands to host the trial of Charles Taylor extends only for the duration of the trial, including the appeal, and that Charles Taylor would need to be relocated to another State after the judgement is final. We will ensure that a subsequent location for Charles Taylor is found prior to his transfer to the Netherlands.

I would like to thank you in advance for your consideration of this request, and look forward to your response.

(Signed) Justice A. Raja N. **Fernando**
President
Special Court for Sierra Leone

Annex II to the letter dated 31 March 2006 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

First of all, allow me to express my appreciation for the essential work of the Special Court for Sierra Leone. Now that the accused Charles Taylor has been transferred to the Special Court for Sierra Leone, the trial of Mr. Taylor will undoubtedly constitute a new and vital contribution by the Special Court to the establishment of the rule of law in Sierra Leone and the region, and to the fight against impunity in general.

With reference to the request contained in your letter dated 29 March 2006, I am pleased to inform you that the Government of the Netherlands is willing to host the Special Court for Sierra Leone for the trial of Mr. Taylor on the following conditions:

1. That the necessary legal basis is created for the Special Court to detain and conduct the trial of Mr. Taylor in the Netherlands;
2. That arrangements are in place to ensure that Mr. Taylor is transferred to a place outside of the Netherlands immediately after the final judgement of the Special Court;
3. That the Special Court ascertains that one or more of the existing international criminal courts in the Netherlands are in a position to make available appropriate facilities, including a courtroom and a detention cell, to the Special Court for the purpose of the trial of Mr. Taylor.

Furthermore, I should like to underline that all costs to be incurred as a result of the trial of Mr. Taylor in the Netherlands are expenses of the Special Court for Sierra Leone in the sense of article 6 of the Agreement between the United Nations and the Government of Sierra Leone of 16 January 2002, and that no additional costs shall be incurred by the Netherlands without its consent.

A Chapter VII resolution of the United Nations Security Council with sufficient specificity would cover the first condition for the immediate future. At the same time, we would need to conclude a headquarters agreement as soon as possible.

The second condition would require prior agreement by one or more other States to accept Mr. Taylor immediately after a final judgement. The Netherlands Government is not willing to let Mr. Taylor serve his sentence in the Netherlands in case of conviction, nor to provide him refuge in case of acquittal. Therefore, I call upon the Special Court to obtain the necessary prior agreement in this regard.

With regard to the third condition, I kindly request you to inform me as soon as the Special Court has ascertained that one or more of the existing international criminal courts in the Netherlands have agreed to make available appropriate facilities, including a courtroom and a detention cell. You may note that in the case of the International Criminal Court, this would require the approval of the Assembly of States Parties.

As regards the required office space for the Special Court, it is my understanding that the Special Court will explore whether it can avail itself of offices on the existing premises of one of the international criminal courts in the

Netherlands; I would appreciate being kept informed on progress regarding this matter.

In conclusion, Mr. President, I should like to underline that the Netherlands Government stands ready to cooperate and assist in this important endeavour.

(Signed) Bernard **Bot**
Minister for Foreign Affairs of the Kingdom of the Netherlands

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**Letter dated 30 March 2006 from the Chairman of the
Committee on the Exercise of the Inalienable Rights of the
Palestinian People addressed to the President of the
Security Council**

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I have the honour to refer to the summary statement by the Secretary-General concerning the list of items of which the Security Council is currently seized and on the stage reached in their consideration (S/2006/10).

In this connection, I would like to reiterate the Committee's continuing objection to the deletion from the aforementioned list of those items that relate to the exercise of the inalienable rights of the Palestinian people, the question of Palestine and the situation in the Middle East, which are of special concern not only to the Committee but also to the majority of Member States. The Committee believes that pending a comprehensive, just and lasting settlement of the Arab-Israeli conflict, the core of which is the question of Palestine, in accordance with international legitimacy, those items should remain on the list of matters of which the Council is seized, as they continue to engage the Council's primary responsibility with regard to the maintenance of international peace and security.

Any decision to delete those items, especially at this critical point, would go well beyond procedural exercise and would have far-reaching political implications. On behalf of the Committee, I would like once again to express the firm hope that decisions of such fundamental importance will be taken in thorough consideration with all the parties concerned.

I should be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(Signed) Paul Badji
Chairman
Committee on the Exercise of the
Inalienable Rights of the Palestinian People



**Security Council**

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4 April 2006
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Letter dated 3 April 2006 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith views on the situation in the Middle East, including the Palestinian question, which I believe will be of interest to you.

The Government of the Republic of Cuba is deeply concerned by the deterioration of the situation in the Middle East. Given their numerous significant implications for international peace and security, the events in that region are of interest to all States Members of the United Nations.

However, at the public meeting of the Security Council on the situation in the Middle East, including the Palestinian question, held on 30 March, the right to speak of States which are not members of the Security Council was restricted arbitrarily.

Once again, as a result of the volatile dynamics of the Security Council, the necessary transparency and representativeness which should characterize this body's work are sacrificed to serve the narrow national interests of certain permanent members.

Faced with such a situation, Cuba considers it its duty to publicly place on record its views on the subject of the debate in the aforementioned public meeting, which are enclosed with this letter (see annex).

I should like to request that this letter and its annex be circulated as a document of the Security Council.

(Signed) Rodrigo Malmierca Díaz
Ambassador
Permanent Representative of Cuba



Annex to the letter dated 3 April 2006 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Position of the Republic of Cuba on the current situation in the Middle East, including the Palestinian question

Cuba fully supports the views expressed by the Movement of Non-Aligned Countries, the League of Arab States, the Organization of the Islamic Conference and the Committee on the Exercise of the Inalienable Rights of the Palestinian People at the public meeting of the Security Council on the situation in the Middle East, including the Palestinian question, held on 30 March 2006.

In addition, Cuba should like to place on record its views on events of great relevance to the subject, which took place last March.

The fact that the Security Council was not even capable of approving a Presidential Statement, which was the least that could have been expected, following the serious deterioration of the situation in the Occupied Palestinian Territory as a result of the Israeli military attack on the prison in Jericho on 14 March last, is a cause for concern.

Once again, the Security Council has failed to assume its responsibilities for maintaining international peace and security.

The Council has remained paralysed, and we all know the reasons why, even in the face of the indisputable fact that Israel committed this latest act of aggression in grave violation of its obligations under international law, including international humanitarian law.

It was not enough that the powerful images of the events made us all witnesses to the unjustifiable attacks which were carried out against the prison for almost 10 hours, and included the deployment of helicopters, tanks, bulldozers and armoured transport vehicles by the Israeli occupation army.

The attacks, obviously planned for at least several days, commenced scarcely minutes after the sudden withdrawal of the monitors of the United States of America and the United Kingdom of Great Britain and Northern Ireland from the prison.

Israel's recent hostile actions add to its extensive record of acts and violations of the most basic human rights of the Palestinian people for decades. They include illegal settlements, the demolition of homes, arbitrary detentions, extrajudicial executions, torture, the construction of a separation wall in Palestinian lands and the stifling of the Palestinian economy.

It is no secret that the Government of Israel's attitude of open defiance of United Nations Security Council and General Assembly resolutions and the rules of international law is to a large extent the result of the Security Council's inaction and passivity.

We all know why different standards are applied when it comes to Israel. It is a typical example of what happens when a permanent member of the Security Council which is an ally of Israel exercises its prerogatives arbitrarily. Hypocrisy and double

standards continue to prevail in the Council, protected by the anachronistic and antidemocratic veto privilege.

The United States of America has now exercised its veto a total of 29 times in the Security Council on issues related to the situation in the Occupied Palestinian Territory. That does not include the constant veto threats in closed informal meetings, which have impeded action from being taken on a considerable number of draft resolutions and Presidential Statements, as was the case with the timely draft statement prepared by the delegation of Qatar following the attacks on the prison in Jericho.

Israel must immediately release the Palestinian prisoners and hand them over to the Palestinian authorities. It must withdraw all of its forces from Jericho so that that territory can return to the situation that existed before the military attack.

The Security Council cannot continue, through its silence, to be complicit in these events. The State terrorism exercised by Israel must be condemned. The acts of aggression against the Palestinian people must cease, as must the application of unilateral measures and faits accomplis, which are removed from any negotiation track with the Palestinian side, and do not contribute in any way to the search for a definitive, just and lasting settlement to resolve the protracted conflict.

This body must demand without further delay that Israel cease its acts of force once and for all and comply with the numerous resolutions on the Middle East adopted by the Security Council and the General Assembly.

This is the only path to just and lasting peace.



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Letter dated 3 April 2006 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period 1 to 31 January 2006 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(Signed) Kofi A. Annan



Annex

Monthly report to the United Nations on the operations of the Kosovo Force

1. The present report covers the period from 1 to 31 January 2006.
2. As of 30 January 2006, the total number of troops in theatre was 16,946, which includes 2,744 troops from non-NATO countries.
3. There was no change in the status of partner/non-NATO country contributions.

Security

4. The most important event of January 2006 was the death of President Ibrahim Rugova. A vote at the Kosovo Assembly for the election of a new President was to follow the official mourning period, in early February 2006.¹ The immediate impact of Mr. Rugova's death on future status negotiations was the postponement of the beginning of the status talks to the end of February 2006. The overall situation in Kosovo will remain fragile due to the ongoing status talks, the high unemployment rate and the inability of the Kosovo electric company (KFK) to provide sufficient electricity to the region. The onset of winter has reduced the overall number of gatherings and demonstrations, although the Kosovo Action Network and the Movement for Self-Determination have begun to increase their visibility over the past month.
5. The overall inter-ethnic situation in Kosovo remains fragile due to continuous alleged inter-ethnic incidents.
6. No incidents against KFOR were recorded.
7. A total of 238 (175 in December) incidents related to unexploded ordnance, illegal weapons possession, weapons and ammunition findings, drugs, human trafficking and counterfeit currency were reported during the past month. Weapons seizures made up the vast majority of incidents during the month. There were increases in incidents concerning drugs (15, instead of 8), illegal weapons possession (102, instead of 86) and unexploded ordnance (57, instead of 27).
8. The Kosovo Force (KFOR) continues operations to prevent ethnic violence, protect patrimonial sites and remains vigilant to deter possible threats directed against international organizations and military bases. The Force continues to improve its crowd and riot control capabilities in order to be better prepared to counter any resurgence in violence.

Compliance by the Army of Serbia and Montenegro and the Ministry of Internal Affairs Special Police

9. During January 2006, one case of non-compliance was opened; two cases of non-compliance were implemented and there were ten working cases.

¹ The Kosovo presidential election was held at an extraordinary session of the Kosovo Assembly on 10 February 2006. The Democratic League of Kosovo (LDK) candidate, Fatmir Sejdiu, was elected as the President of the new Provisional Institutions of Self-Government of Kosovo.

Kosovo Protection Corps

10. The current number of active members of the Kosovo Protection Corps (KPC) is 3,038. There are 184 (6.05 per cent) active ethnic minority members. The percentage of minorities within KPC still remains short of the goal (10 per cent) of the Special Representative of the Secretary-General. There are only nine open slots left in the active personnel establishment list.

11. During January 2006, KFOR Inspectorate for KPC cells of the multinational brigades and the joint inspection teams of the headquarters of the KFOR Inspectorate for KPC carried out 51 roll calls, indicating a slightly decreasing number of personnel reported absent without permission (1.76 per cent), compared with the previous month (1.86 per cent), and 16.47 per cent of KPC personnel on leave.

12. Owing to several Islamic holidays, the funeral ceremony and the 15-day period of mourning, most of the regular training could not be conducted.

Conclusion

13. The overall situation in Kosovo will remain fragile owing to recent events and the beginning of the status talks. It is expected that the death of Mr. Rugova won't influence the status talks even though they were postponed to the end of February 2006. During January 2006, we observed an increase in political propaganda concerning the final status. The threat against the United Nations Interim Administration Mission in Kosovo and other international community facilities remains Medium, and the threat level for KFOR is Low.